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 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DMR

CV 10 0143

CRAIG YATES, an individual,

Plaintiff,

v.

CHILE LINDO, a.k.a DAVID L.
 LUCCHESI and SANDRA L. LUCCHESI,
 Trustees of THE LUCCHESI FAMILY
 TRUST dated April 20, 2004,
 Defendants.

CASE NO.
Civil Rights

COMPLAINT FOR INJUNCTIVE RELIEF
 AND DAMAGES:

1st CAUSE OF ACTION: For Denial of Access
 by a Public Accommodation in Violation of the
 Americans with Disabilities Act of 1990 (42
 U.S.C. §12101, *et seq.*)

2nd CAUSE OF ACTION: For Denial of Full
 and Equal Access in Violation of California
 Civil Code §§54, 54.1 and 54.3

3rd CAUSE OF ACTION: For Denial of
 Accessible Sanitary Facilities in Violation of
 California Health & Safety Code §19955, *et seq.*

4th CAUSE OF ACTION: For Denial of
 Access to Full and Equal Accommodations,
 Advantages, Facilities, Privileges and/or
 Services in Violation of California Civil Code
 §51, *et seq.* (The Unruh Civil Rights Act)

DEMAND FOR JURY

1 Plaintiff CRAIG YATES, an individual, complains of defendants DAVID L. LUCCHESI
2 and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20,
3 2004, a.k.a. CHILE LINDO and alleges as follows:

4 **INTRODUCTION:**

5 1. This is a civil rights action for discrimination against persons with physical
6 disabilities, of which class plaintiff CRAIG YATES and the disability community are members,
7 for failure to remove architectural barriers structural in nature at defendants' CHILE LINDO, a
8 place of public accommodation, thereby discriminatorily denying plaintiff and the class of other
9 similarly situated persons with physical disabilities access to, the full and equal enjoyment of,
10 opportunity to participate in, and benefit from, the goods, facilities, services, and
11 accommodations thereof. Plaintiff seeks injunctive relief and damages pursuant to the
12 Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.*; California Civil Code §§51,
13 51.5 and 54, *et seq.*; and California Health & Safety Code §19955, *et seq.*

14 2. Plaintiff CRAIG YATES is a person with physical disabilities who, on or about
15 March 4, 2010, March 24, 2010 and May 22, 2010, was an invitee, guest, patron, customer at
16 defendants' CHILE LINDO, in the City of San Francisco, California. At said times and place,
17 defendants failed to provide proper legal access to the restaurant, which is a "public
18 accommodation" and/or a "public facility" including, but not limited to the entrance. The denial
19 of access was in violation of both federal and California legal requirements, and plaintiff CRAIG
20 YATES suffered violation of his civil rights to full and equal access, and was embarrassed and
21 humiliated.

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JURISDICTION AND VENUE:

3. **Jurisdiction:** This Court has jurisdiction of this action pursuant to 28 U.S.C. §1331 for violations of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.* Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same nucleus of operative facts and arising out of the same transactions, are also brought under parallel California law, whose goals are closely tied with the ADA, including but not limited to violations of California Civil Code §51, *et seq.* and §54, *et seq.*, California Health & Safety Code §19955 *et seq.*, including §19959; Title 24 California Building Standards Code.

4. **Venue:** Venue is proper in this court pursuant to 28 U.S.C. §1391(b) and is founded on the facts that the real property which is the subject of this action is located at/near 2944 16TH Street, in the City and County of San Francisco, State of California, and that plaintiff's causes of action arose in this county.

PARTIES:

5. Plaintiff CRAIG YATES is a "physically handicapped person", a "physically disabled person", and a "person with physical disabilities" (hereinafter the terms "physically disabled", "physically handicapped" and "person with physical disabilities" are used interchangeably, as these words have similar or identical common usage and legal meaning, but the legislative scheme in Part 5.5 of the Health & Safety Code uses the term "physically handicapped persons" and the Unruh Civil Rights Act, §§51, 51.5, 54 and 54.1, and other statutory measures refer to protection of the rights of "physically disabled persons"). Plaintiff CRAIG YATES is a "person with physical disabilities", as defined by all applicable California and United States laws. Plaintiff is triplegic. Plaintiff CRAIG YATES requires the use of a wheelchair to travel about in public. Consequently, plaintiff CRAIG YATES is a member of that portion of the public whose rights are protected by the provisions of Health & Safety Code §19955, *et seq.* (entitled "Access to Public Accommodations by Physically Handicapped Persons") and the protections of the Unruh Civil Rights Act, Civil Code §§51 and 51.5 the Disabled Persons Act, Civil Code §54, and the Americans with Disabilities Act, 42 U.S.C. §12101, *et seq.*

6. Defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004 (hereinafter alternatively collectively referred to as “defendants”) are the owners and operators, lessors and/or lessees, or agents of the owners, lessors and/or lessees, of the public accommodation known as CHILE LINDO, located at/near 2944 16TH Street, San Francisco, California, or of the building and/or buildings which constitute said public accommodation.

7. At all times relevant to this complaint, defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, own and operate in joint venture the subject CHILE LINDO as a public accommodation. This business is open to the general public and conducts business therein. The business is a “public accommodation” or “public facility” subject to the requirements of California Civil Code §§51, 51.5 and 54, *et seq.*, Health and Safety code §19955, *et seq.*, and the ADA, 42 U.S.C. §12101, *et seq.*

8. At all times relevant to this complaint, defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004 are jointly and severally responsible to identify and remove architectural barriers at the subject CHILE LINDO pursuant to Code of Federal Regulations title 28, section 36.201(b), which states in pertinent part:

§ 36.201 General

(b) *Landlord and tenant responsibilities.* Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.

28 CFR §36.201(b)

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1 **PRELIMINARY FACTUAL ALLEGATIONS:**

2 9. The CHILE LINDO, is a restaurant, located at/near 2944 16th San Francisco,
3 California. The CHILE LINDO, its entrance, and its other facilities are each a “place of public
4 accommodation or facility” subject to the barrier removal requirements of the Americans with
5 Disabilities Act. On information and belief, each such facility has, since July 1, 1970, undergone
6 “alterations, structural repairs and additions,” each of which has subjected the CHILE LINDO
7 and each of its facilities, its entrance to disability access requirements per the Americans with
8 Disabilities Act Accessibility Guidelines (ADAAG), and Title 24 of the California Code of
9 regulations (Title 24).

10 10. On or about April 20, 2004, defendants’ and each of them purchased and/or
11 took possessory control of the premises now known as CHILE LINDO. At all times prior
12 thereto, defendants’ and each of them were aware of their obligation prior to the close of escrow,
13 or upon taking possessory interest that public accommodations had a duty to identify and remove
14 architectural barriers and were aware that CHILE LINDO was not accessible to the disabled.
15 Nevertheless, defendants’ and each of them, operated restaurant as though it was accessible.

16 11. At all times stated herein, defendants’ and each of them with the knowledge that
17 each of them had a continuing obligation to identify and remove architectural barriers where it
18 was readily achievable to do so, failed to adopt a transition plan to provide better and/or
19 compliant access to the subject accommodation.

20 12. At all times referred to herein and continuing to the present time, defendants, and
21 each of them, advertised, publicized and held out the CHILE LINDO as being handicapped
22 accessible and handicapped usable.

23 13. On or about March 4, 2010, March 24, 2010 and May 22, 2010, plaintiff CRAIG
24 YATES was an invitee and guest at the subject CHILE LINDO, for purposes of food and
25 beverage.

26 14. On or about March 4, 2010, March 24, 2010 and May 22, 2010, plaintiff CRAIG
27 YATES could not enter the premises of CHILE LINDO because of a six (6) inch concrete step.

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1 15. On or about March 16, 2010, plaintiff CRAIG YATES wrote both the landlord
2 and the tenant concerning the inability to gain access to the inside of CHILE LINDO. Plaintiff
3 CRAIG YATES suggested a portable ramp.

4 16. Therefore, at said times and place, plaintiff CRAIG YATES, a person with a
5 disability, encountered the following inaccessible elements of the subject CHILE LINDO which
6 constituted architectural barriers and a denial of the proper and legally-required access to a public
7 accommodation to persons with physical disabilities including, but not limited to:

- 8 a. lack of directional signage to show accessible routes of travel, i.e.
9 entrances;
- 10 b. lack of an accessible entrance due to a concrete step; and
- 11 c. On personal knowledge, information and belief, other public facilities and
12 elements too numerous to list were improperly inaccessible for use by
13 persons with physical disabilities.

14 17. At all times stated herein, the existence of architectural barriers at defendants'
15 place of public accommodation evidenced "actual notice" of defendants' intent not to comply
16 with the Americans with Disabilities Act of 1990 either then, now or in the future.

17 18. On or about March 16, 2010, defendant(s) were sent two (2) letters by or on behalf
18 of plaintiff CRAIG YATES advising of their need to take immediate action to remove
19 architectural barriers and requesting a written response upon receipt of his letter, promising to
20 immediately remove the barriers and providing a date when that would be accomplished. Said
21 letters are attached hereto collectively as exhibit "A" and incorporated by reference as though
22 fully set forth herein. Defendants' failure to respond evidenced an intent not to seek or engage in
23 an early and reasonable resolution of the matter.

24 19. As a legal result of defendants DAVID L. LUCCHESI and SANDRA L.
25 LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004's failure to act
26 as a reasonable and prudent public accommodation in identifying, removing or creating
27 architectural barriers, policies, practices and procedures that denied access to plaintiff and other
28 persons with disabilities, plaintiff suffered the damages as alleged herein.

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1 20. As a further legal result of the actions and failure to act of defendants, and as a
2 legal result of the failure to provide proper handicapped-accessible public facilities as set forth
3 herein, plaintiff was denied his civil rights to full and equal access to public facilities. Plaintiff
4 CRAIG YATES suffered a loss of his civil rights and his rights as a person with physical
5 disabilities to full and equal access to public facilities.

6 21. Further, plaintiff CRAIG YATES suffered emotional distress, mental distress,
7 mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation,
8 embarrassment, anger, disappointment and worry, expectedly and naturally associated with a
9 person with physical disabilities being denied access, all to his damages as prayed hereinafter in
10 an amount within the jurisdiction of this court. No claim is being made for mental and emotional
11 distress over and above that usually associated with the discrimination and physical injuries
12 claimed, and no expert testimony regarding this usual mental and emotional distress will be
13 presented at trial in support of the claim for damages.

14 22. Defendants', and each of their, failure to remove the architectural barriers
15 complained of herein created, at the time of plaintiff CRAIG YATES's first visit to said public
16 accommodation, and continues to create continuous and repeated exposure to substantially the
17 same general harmful conditions which caused plaintiff CRAIG YATES harm as stated herein.

18 23. Plaintiff CRAIG YATES was denied his rights to equal access to a public facility
19 by defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE
20 LUCCHESI FAMILY TRUST dated April 20, 2004, because defendants DAVID L. LUCCHESI
21 and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20,
22 2004 maintained a restaurant without access for persons with physical disabilities to its facilities,
23 including but not limited to the entrance and other public areas as stated herein, and continue to
24 the date of filing this complaint to deny equal access to plaintiff and other persons with physical
25 disabilities in these and other ways.

26 24. On information and belief, construction alterations carried out by defendants have
27 also triggered access requirements under both California law and the Americans with Disabilities
28 Act of 1990.

1 25. Plaintiff, as described hereinbelow, seeks injunctive relief to require the CHILE
2 LINDO to be made accessible to meet the requirements of both California law and the Americans
3 with Disabilities Act of 1990, whichever is more restrictive, so long as defendants operate the
4 restaurant as a public facility.

5 26. Plaintiff seeks damages for violation of their civil rights on March 4, 2010,
6 March 24, 2010 and May 22, 2010 and seeks statutory damages of not less than \$4,000, pursuant
7 to Civil Code §52(a) or alternatively \$1000 pursuant to Civil Code §54.3, for each day after his
8 visit that the trier of fact (court/jury) determines was the date that some or all remedial work
9 should have been completed under the standard that the landlord and tenant had an ongoing duty
10 to identify and remove architectural barriers where it was readily achievable to do so, which
11 deterred plaintiff CRAIG YATES from returning to the subject public accommodation because of
12 his knowledge and/or belief that neither some or all architectural barriers had been removed and
13 that said premises remains inaccessible to persons with disabilities whether a wheelchair user or
14 otherwise.

15 27. On information and belief, defendants have been negligent in their affirmative duty
16 to identify the architectural barriers complained of herein and negligent in the removal of some or
17 all of said barriers.

18 28. Because of defendants' violations, plaintiff and other persons with physical
19 disabilities are unable to use public facilities such as those owned and operated by defendants on a
20 "full and equal" basis unless such facility is in compliance with the provisions of the Americans
21 with Disabilities Act of 1990, Civil Code §54.1 and Health & Safety Code §19955, *et seq.* and
22 other accessibility law as plead herein. Plaintiff seeks an order from this court compelling
23 defendants to make the CHILE LINDO accessible to persons with disabilities.

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1 29. On information and belief, defendants have intentionally undertaken to modify and
2 alter existing building(s), and have failed to make them comply with accessibility requirements
3 under the requirements of ADAAG and Title 24. The acts and omission of defendants, and each
4 of them, in failing to provide the required accessible public facilities at the time of plaintiff's visit
5 and injuries, indicate actual and implied malice toward plaintiff, and despicable conduct carried
6 out by defendants, and each of them, with a willful and conscious disregard for the rights and
7 safety of plaintiff and other similarly situated persons, and justify a trebling of damages as
8 provided by Civil Code §§52(a) and 54.3, in order to make a more profound example of
9 defendants, and each of them, to other operators and landlords of other restaurants and other
10 public facilities, and to punish defendants and to carry out the purposes of the Civil Code §§ 51,
11 51.5 and 54.

12 30. Plaintiff is informed and believes and therefore alleges that defendants DAVID L.
13 LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated
14 April 20, 2004, and each of them, caused the subject building(s) which constitute the CHILE
15 LINDO to be constructed, altered and maintained in such a manner that persons with physical
16 disabilities were denied full and equal access to, within and throughout said building(s) of the
17 CHILE LINDO and were denied full and equal use of said public facilities. Furthermore, on
18 information and belief, defendants have continued to maintain and operate said restaurant and/or
19 its building(s) in such conditions up to the present time, despite actual and constructive notice to
20 such defendants that the configuration of CHILE LINDO and/or its building(s) is in violation of
21 the civil rights of persons with physical disabilities, such as plaintiff CRAIG YATES, and other
22 members of the disability community. Such construction, modification, ownership, operation,
23 maintenance and practices of such public facilities are in violation of Civil Code §§51, 51.5 and
24 54, Health and Safety Code §19955, and the ADA, 42 U.S.C. §12101, *et seq.*

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1 31. On personal knowledge, information and belief, the basis of defendants' actual and
2 constructive notice that the physical configuration of the facilities including, but not limited to,
3 architectural barriers constituting the CHILE LINDO and/or building(s) was in violation of the
4 civil rights of persons with physical disabilities, such as plaintiff, includes, but is not limited to,
5 communications with invitees and guests, plaintiff CRAIG YATES himself, owners of other
6 restaurants, hotels, motels and businesses, notices they obtained from governmental agencies upon
7 modification, improvement, or substantial repair of the subject premises and other properties
8 owned by these defendants, newspaper articles and trade publications regarding the Americans
9 with Disabilities Act of 1990 and other access laws, public service announcements by former U.S.
10 Attorney General Janet Reno between 1993 and 2000, and other similar information. Defendants'
11 failure, under state and federal law, to make the CHILE LINDO accessible is further evidence of
12 defendants' conscious disregard for the rights of plaintiff and other similarly situated persons with
13 disabilities. Despite being informed of such effect on plaintiff and other persons with physical
14 disabilities due to the lack of accessible facilities, defendants, and each of them, knowingly and
15 willfully refused to take any steps to rectify the situation and to provide full and equal access for
16 plaintiff and other persons with physical disabilities to the CHILE LINDO. Said defendants, and
17 each of them, have continued such practices, in conscious disregard for the rights of plaintiff and
18 other persons with physical disabilities, up to the date of filing of this complaint, and continuing
19 thereon. Defendants had further actual knowledge of the architectural barriers referred to herein
20 by virtue of the demand letter addressed to the defendants and served concurrently with the
21 summons and complaint. Said conduct, with knowledge of the effect it was and is having on
22 plaintiff and other persons with physical disabilities, constitutes despicable conduct in conscious
23 disregard of the rights and safety of plaintiff and of other similarly situated persons, justifying the
24 imposition of treble damages per Civil Code §§52 and 54.3.

25 32. Plaintiff CRAIG YATES and the disability community, consisting of persons with
26 disabilities, would, could and will return to the subject public accommodation when it is made
27 accessible to persons with disabilities.

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I. FIRST CAUSE OF ACTION FOR DENIAL OF ACCESS BY A PUBLIC ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (42 U.S.C. §12101, *et seq.*)

(On behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
(42 U.S.C. §12101, *et seq.*)

33. Plaintiff repleads and incorporates by reference, as if fully set forth again herein, the allegations contained in paragraphs 1 through 32 of this complaint.

34. Pursuant to law, in 1990, the United States Congress made findings per 42 U.S.C. §12101 regarding persons with physical disabilities, finding that laws were needed to more fully protect:

some 43 million Americans with one or more physical or mental disabilities; [that] historically society has tended to isolate and segregate individuals with disabilities; [that] such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem; [that] the nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living and economic self-sufficiency for such individuals; [and that] the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous.

35. Congress stated as its purpose in passing the Americans with Disabilities Act of 1990 (42 U.S.C. §12102):

It is the purpose of this act (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; (3) to ensure that the Federal government plays a central role in enforcing the standards established in this act on behalf of individuals with disabilities; and (4) to invoke the sweep of Congressional authority, including the power to enforce the 14th Amendment and to regulate commerce, in order to address the major areas of discrimination faced day to day by people with disabilities.

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36. As part of the Americans with Disabilities Act of 1990, Public Law 101-336 (hereinafter the “ADA”), Congress passed “Title III - Public Accommodations and Services Operated by Private Entities” (Section 301 42 U.S.C. §12181, *et seq.*). Among the public accommodations identified for purposes of this title was:

(7) PUBLIC ACCOMMODATION - The following private entities are considered public accommodations for purposes of this title, if the operations of such entities affect commerce -

(B) a restaurant, bar or other establishment serving food or drink.

42 U.S.C. §12181(7)(B)

37. Pursuant to §302, 42 U.S.C. §12182, “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation.”

38. The specific prohibitions against discrimination set forth in §302(b)(2)(a), 42 U.S.C. §12182(b)(2)(a) are:

(I) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;

(ii) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;

(iii) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;

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(iv) a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities . . . where such removal is readily achievable; and

(v) where an entity can demonstrate that the removal of a barrier under clause (iv) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages or accommodations available through alternative methods if such methods are readily achievable.

The acts of defendants set forth herein were a violation of plaintiff's rights under the ADA, Public Law 101-336, and the regulations promulgated thereunder, 28 CFR Part 36, *et seq.* - Effective January 31, 1993, the standards of the ADA were also incorporated into California Civil Code §51, making available the damage remedies incorporated into Civil Code §51 and 52(a) and 54.3.

39. The removal of the barriers complained of by plaintiff as hereinabove alleged were at all times after January 26, 1992 "readily achievable" as to the subject building(s) of CHILE LINDO pursuant to 42 U.S.C. §12182 (b)(2)(A)(i)-(iv). On information and belief, if the removal of all the barriers complained of herein together was not "readily achievable," the removal of each individual barrier complained of herein was "readily achievable." On information and belief, defendants' failure to remove said barriers was likewise due to discriminatory practices, procedures and eligibility criteria, as defined by 42 U.S.C. §12182 (b)(2)(A)(i) and (ii).

40. Per 42 U.S.C. §12181 (9), the term "readily achievable" means "easily accomplishable and able to be carried out without much difficulty or expense." The statute defines relative "expense" in part in relation to the total financial resources of the entities involved. Plaintiff alleges that properly repairing, modifying, or altering each of the items that plaintiff complains of herein were and are "readily achievable" by the defendants under the standards set forth under §301(9) of the Americans with Disabilities Act. Furthermore, if it was not "readily achievable" for defendants to remove each of such barriers, defendants have failed to make the required services available through alternative methods which were readily achievable.

41. On information and belief, construction work on, and modifications of, the subject building(s) of CHILE LINDO occurred after the compliance date for the Americans with Disabilities Act, January 26, 1992, independently triggering access requirements under Title III of the ADA.

1 42. Pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12188, *et*
2 *seq.*, plaintiff is entitled to the remedies and procedures set forth in §204(a) of the Civil Rights
3 Act of 1964, 42 U.S.C. 2000(a)-3(a), as plaintiff is being subjected to discrimination on the basis
4 of disability in violation of this title or have reasonable grounds for believing that plaintiff is about
5 to be subjected to discrimination in violation of §302. Plaintiff is deterred from returning to or
6 making use of the public facilities complained of herein so long as the premises and defendants'
7 policies bar full and equal use by persons with physical disabilities.

8 43. 42 U.S.C. 12188 (a)(1) states: "Nothing in this section shall require a person with a
9 disability to engage in a futile gesture if such person has actual notice that a person or
10 organization covered by this title does not intend to comply with its provisions." Pursuant to this
11 section, plaintiff CRAIG YATES has not returned to defendants' premises since on or about
12 May 22, 2010, but on information and belief, alleges that defendants have continued to violate the
13 law and deny the rights of plaintiff and of other persons with physical disabilities to access this
14 public accommodation. Pursuant to 42 USC §12188(a)(2), "In cases of violations of
15 §302(b)(2)(A)(iv) . . . injunctive relief shall include an order to alter facilities to make such
16 facilities readily accessible to and usable by individuals with disabilities to the extent required by
17 this title."

18 44. Plaintiff seeks relief pursuant to remedies set forth in §204(a) of the Civil Rights
19 Act of 1964 (42 U.S.C. 2000(a)-3(a)), and pursuant to federal regulations adopted to implement
20 the Americans with Disabilities Act of 1990, including but not limited to an order granting
21 injunctive relief and attorneys' fees. Plaintiff will seek attorneys' fees conditioned upon being
22 deemed to be the prevailing party.

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1 **II. SECOND CAUSE OF ACTION FOR DENIAL OF FULL AND EQUAL ACCESS**
 2 **IN VIOLATION OF CALIFORNIA CIVIL CODE §§54, 54.1 AND 54.3, ET SEQ.**
 3 (On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE
 LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE
 LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
 4 (California Civil Code §§54, 54.1, 54.3, *et seq.*)

5 45. Plaintiff repleads and incorporates by reference as if fully set forth again herein, the
 6 allegations contained in paragraphs 1 through 44 of this complaint.

7 46. At all times relevant to this action, California Civil Code §54 has provided that
 8 persons with physical disabilities are not to be discriminated against because of physical handicap
 9 or disability. This section provides that:

10 (a) Individuals with disabilities . . . have the same rights as
 the general public to full and free use of the streets, highways,
 11 sidewalks, walkways, public buildings, medical facilities, including
 hospitals, clinics, and physicians' offices, and other public places.

12 47. California Civil Code §54.1 provides that persons with disabilities shall not be
 13 denied full and equal access to places of public accommodation or facilities:

14 (a)(1) Individuals with disabilities shall be entitled to full
 and equal access, as other members of the general public, to
 15 accommodations, advantages, facilities, medical facilities, including
 hospitals, clinics, and physicians' offices, and privileges of all
 16 common carriers, airplanes, motor vehicles, railroad trains,
 motorbuses, streetcars, boats, or any other public conveyances or
 17 modes of transportation (whether private, public, franchised,
 licensed, contracted, or otherwise provided), telephone facilities,
 18 adoption agencies, private schools, hotels, lodging places, places of
 public accommodation, amusement or resort, and other places to
 19 which the general public is invited, subject only to the conditions
 and limitations established by law, or state or federal regulation, and
 20 applicable alike to all persons.

21 Civil Code §54.1(a)(1)

22 48. California Civil Code §54.1 further provides that a violation of the Americans with
 23 Disabilities Act of 1990 constitutes a violation of section 54.1:

24 (d) A violation of the right of an individual under the
 Americans with Disabilities Act of 1990 (Public Law 101-336) also
 25 constitutes a violation of this section, and nothing in this section
 shall be construed to limit the access of any person in violation of
 26 that act.

27 Civil Code §54.1(d)

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1 49. Plaintiff CRAIG YATES is a person within the meaning of Civil Code §54.1
 2 whose rights have been infringed upon and violated by the defendants, and each of them, as
 3 prescribed by Civil Code §§54 and 54.1. Each specific architectural barrier which defendants
 4 knowingly and willfully fail and refuse to remove constitutes a separate act in violation of Civil
 5 Code §§54 and 54.1. Plaintiff has been and continue to be denied full and equal access to
 6 defendants' CHILE LINDO. As a legal result, plaintiff is entitled to seek damages pursuant to a
 7 court or jury determination, in accordance with California Civil Code §54.3(a) for each day on
 8 which he visited or have been deterred from visiting the subject restaurant because of his
 9 knowledge and belief that the CHILE LINDO is inaccessible to persons with disabilities.
 10 California Civil Code §54.3(a) provides:

11 Any person or persons, firm or corporation, who denies or interferes
 12 with admittance to or enjoyment of the public facilities as specified
 13 in Sections 54 and 54.1 or otherwise interferes with the rights of an
 14 individual with a disability under Sections 54, 54.1 and 54.2 is
 15 liable for each offense for the actual damages and any amount as
 16 may be determined by a jury, or the court sitting without a jury, up
 to a maximum of three times the amount of actual damages but in
 no case less than . . .one thousand dollars (\$1,000) and . . .
 attorney's fees as may be determined by the court in addition
 thereto, suffered by any person denied any of the rights provided in
 Sections 54, 54.1 and 54.2.

17 Civil Code §54.3(a)

18 50. On or about March 4, 2010, March 24, 2010 and May 22, 2010, plaintiff CRAIG
 19 YATES suffered violations of Civil Code §§54 and 54.1 in that plaintiff CRAIG YATES was
 20 denied access to the entrance and other public facilities as stated herein at the CHILE LINDO and
 21 on the basis that plaintiff CRAIG YATES was a person with physical disabilities.

22 51. As a result of the denial of equal access to defendants' facilities due to the acts and
 23 omissions of defendants, and each of them, in owning, operating and maintaining these subject
 24 public facilities, plaintiff suffered violations of plaintiff's civil rights, including but not limited to
 25 rights under Civil Code §§54, 54.1 and 54.3.

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1 52. Further, plaintiff CRAIG YATES suffered mental distress, mental suffering, mental
2 anguish, which includes shame, humiliation, embarrassment, frustration, anger, disappointment
3 and worry, all of which are expectedly and naturally associated with a denial of access to a person
4 with physical disabilities, all to plaintiff's damages as hereinafter stated. Defendants' actions and
5 omissions to act constituted discrimination against plaintiff on the sole basis that plaintiff is a
6 person or an entity that represents persons with physical disabilities and unable, because of the
7 architectural barriers created and maintained by the defendants in violation of the subject laws, to
8 use the public facilities hereinabove described on a full and equal basis as other persons.

9 53. Plaintiff has been damaged by defendants', and each of their, wrongful conduct and
10 seeks the relief that is afforded by Civil Code §§54 and 54.1, 54.3 for violation of plaintiff's rights
11 as a person or an entity that represents persons with physical disabilities on or about March 4,
12 2010, March 24, 2010 and May 22, 2010, and on a continuing basis since then, including statutory
13 damages, a trebling of all of actual damages, general and special damages available pursuant to
14 §54.3 of the Civil Code according to proof.

15 54. As a result of defendants', and each of their, acts and omissions in this regard,
16 plaintiff has been required to incur legal expenses and hire attorneys in order to enforce
17 plaintiff's rights and enforce the provisions of the law protecting access for persons with physical
18 disabilities and prohibiting discrimination against persons with physical disabilities. Pursuant to
19 the provisions of Civil Code §54.3, plaintiff therefore will seek recovery in this lawsuit for all
20 reasonable attorneys' fees and costs incurred if deemed the prevailing party. Additionally,
21 plaintiff's lawsuit is intended not only to obtain compensation for damages to plaintiff, but also to
22 compel the defendants to make their facilities accessible to all members of the public with
23 disabilities, justifying public interest attorneys' fees, if deemed the prevailing party, pursuant to
24 the provisions of §1021.5 of the Code of Civil Procedure.

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1 **III. THIRD CAUSE OF ACTION FOR DENIAL OF ACCESSIBLE SANITARY**
 2 **FACILITIES IN VIOLATION OF HEALTH & SAFETY CODE §19955, *ET. SEQ.***
 3 (On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE
 4 LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE
 5 LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
 6 (Health & Safety Code §19955, *et seq.*)

7 55. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
 8 the allegations contained in paragraphs 1 through 54 of this complaint.

9 56. Health & Safety Code §19955 provides in pertinent part:

10 The purpose of this part is to insure that public accommodations or
 11 facilities constructed in this state with private funds adhere to the
 12 provisions of Chapter 7 (commencing with Sec. 4450) of Division 5
 13 of Title 1 of the Government Code. For the purposes of this part
 14 “public accommodation or facilities” means a building, structure,
 15 facility, complex, or improved area which is used by the general
 16 public and shall include auditoriums, hospitals, theaters, restaurants,
 17 hotels, motels, stadiums, and convention centers. When sanitary
 18 facilities are made available for the public, clients or employees in
 19 such accommodations or facilities, they shall be made available for
 20 the handicapped.

21 57. Health & Safety Code §19956, which appears in the same chapter as §19955,
 22 provides in pertinent part, “accommodations constructed in this state shall conform to the
 23 provisions of Chapter 7 (commencing with Sec. 4450) of Division 5 of Title 1 of the Government
 24 Code” Health & Safety Code §19956 was operative July 1, 1970, and is applicable to all
 25 public accommodations constructed or altered after that date. On information and belief, portions
 26 of the CHILE LINDO and/or of the building(s) were constructed and/or altered after July 1, 1970,
 27 and substantial portions of the subject restaurant and/or the building(s) had alterations, structural
 28 repairs, and/or additions made to such public accommodations after July 1, 1970, thereby
 requiring said restaurant and/or building to be subject to the requirements of Part 5.5, §19955, *et*
seq., of the Health & Safety Code upon such alteration, structural repairs or additions per Health
 & Safety Code §19959.

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1 58. Pursuant to the authority delegated by Government Code §4450, *et seq*, the State
2 Architect promulgated regulations for the enforcement of these provisions. Effective July 1,
3 1982, Title 24 of the California Building Standards Code adopted the California State Architect's
4 Regulations and these regulations must be complied with as to any alterations and/or
5 modifications of CHILE LINDO and/or the building(s) occurring after that date. Construction
6 changes occurring prior to this date but after July 1, 1970 triggered access requirements pursuant
7 to the "ASA" requirements, the American Standards Association Specifications, A117.1-1961.
8 On information and belief, at the time of the construction and modification of said building, all
9 buildings and facilities covered were required to conform to each of the standards and
10 specifications described in the American Standards Association Specifications and/or those
11 contained in Title 24 of the California Building Standards Code.

12 59. Restaurants such as the CHILE LINDO are "public accommodations or facilities"
13 within the meaning of Health & Safety Code §19955, *et seq*.

14 60. As a result of the actions and failure to act of defendants, and as a result of the
15 failure to provide proper and legally handicapped-accessible public facilities, plaintiff was denied
16 plaintiff's rights to full and equal access to public facilities and suffered a loss of plaintiff's civil
17 rights and plaintiff's rights as a person with physical disabilities to full and equal access to public
18 facilities.

19 61. Attorneys' Fees -- As a result of defendants' acts and omissions in this regard,
20 plaintiff has been required to incur legal expenses and hire attorneys in order to enforce plaintiff's
21 civil rights and enforce provisions of the law protecting access for the persons with physical
22 disabilities and prohibiting discrimination against the persons with physical disabilities, and to
23 take such action both in plaintiff's own interests and in order to enforce an important right
24 affecting the public interest. Plaintiff, therefore, seeks in this lawsuit the recovery of all
25 reasonable attorneys' fees incurred, pursuant to the provisions of the Code of Civil Procedure
26 §1021.5. Plaintiff additionally seeks attorneys' fees pursuant to Health & Safety Code §19953
27 and Civil Code §§54.3 and/or in the alternative, plaintiff will seek attorneys' fees, costs and
28 litigation expenses pursuant to §204(a) of the Civil Rights Act of 1964 (42 U.S.C. 200(a)-3(a)).

1 Plaintiff will seek attorneys' fees conditioned upon being deemed to be the prevailing party.

2 62. Plaintiff seeks injunctive relief for an order compelling defendants, and each of
3 them, to make the subject place of public accommodation readily accessible to and usable by
4 persons with disabilities.

5 **IV. FOURTH CAUSE OF ACTION FOR DENIAL OF ACCESS TO FULL AND
6 EQUAL ACCOMMODATIONS, ADVANTAGES, FACILITIES, PRIVILEGES
AND/OR SERVICES IN VIOLATION OF CALIFORNIA CIVIL CODE §51, *ET*
7 *SEQ.* (THE UNRUH CIVIL RIGHTS ACT)**

8 (On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE
LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE
9 LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
(Civil Code §51, 51.5)

10 63. Plaintiff repleads and incorporates by reference, as if fully set forth again herein,
the allegations contained in paragraphs 1 through 62 of this complaint.

11 64. Defendants' actions and omissions and failure to act as a reasonable and prudent
12 public accommodation in identifying, removing and/or creating architectural barriers, policies,
13 practices and/or procedures violates §51 of the Civil Code, the Unruh Civil Rights Act. The
14 Unruh Act provides:

15 This section shall be known, and may be cited, as the Unruh
16 Civil Rights Act.

17 All persons within the jurisdiction of this state are free and
18 equal, and no matter what their sex, race, color, religion, ancestry,
national origin, or **disability** are entitled to the full and equal
19 accommodations, advantages, facilities, privileges, or services in all
business establishments of every kind whatsoever.

20 This section shall not be construed to confer any right or
privilege on a person that is conditioned or limited by law or that is
21 applicable alike to persons of every sex, color, race, religion,
ancestry, national origin, or **disability**.

22 Nothing in this section shall be construed to require any
23 construction, alteration, repair, structural or otherwise, or
modification of any sort whatsoever, beyond that construction,
24 alteration, repair, or modification that is otherwise required by other
provisions of law, to any new or existing establishment, facility,
25 building, improvement, or any other structure . . . nor shall anything
in this section be construed to augment, restrict, or alter in any way
26 the authority of the State Architect to require construction,
alteration, repair, or modifications that the State Architect otherwise
27 possesses pursuant to other . . . laws.

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1 A violation of the right of any individual under the
 2 Americans with Disabilities Act of 1990 (Public Law 101-336) shall
 also constitute a violation of this section.

3 As the Unruh Act incorporates violations of the Americans with Disabilities Act of 1990, the
 4 “intent” of the defendants in not complying with barrier removal is not an issue. Hence, the
 5 failure on the parts of defendants, as reasonable and prudent public accommodations, in acting or
 6 failing to act to identify and remove barriers can be construed as a “negligent per se” act of
 7 defendants, and each of them.

8 65. The acts and omissions of defendants stated herein are discriminatory in nature and
 9 in violation of Civil Code §51.5:

10 No business establishment of any kind whatsoever shall
 11 discriminate against, boycott or blacklist, refuse to buy from, sell to,
 12 or trade with any person in this state because of the race, creed,
 13 religion, color, national origin, sex, or **disability** of the person or of
 the person’s partners, members, stockholders, directors, officers,
 managers, superintendents, agents, employees, business associates,
 suppliers, or customers.

14 As used in this section, “person” includes any person, firm
 15 association, organization, partnership, business trust, corporation,
 limited liability company, or company.

16 Nothing in this section shall be construed to require any
 17 construction, alteration, repair, structural or otherwise, or
 18 modification of any sort whatsoever, beyond that construction,
 19 alteration, repair or modification that is otherwise required by other
 20 provisions of law, to any new or existing establishment, facility,
 21 building, improvement, or any other structure . . . nor shall anything
 in this section be construed to augment, restrict or alter in any way
 the authority of the State Architect to require construction,
 22 alteration, repair, or modifications that the State Architect otherwise
 possesses pursuant to other laws.

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1 66. Defendants' acts and omissions as specified have denied to the plaintiff full and
2 equal accommodations, advantages, facilities, privileges and services in a business establishment,
3 on the basis of physical disability, in violation of Civil Code §§51 and 51.5, the Unruh Civil
4 Rights Act. Furthermore, pursuant to the 1992 amendment to California Civil Code §51, "A
5 violation of the right of any individual under the Americans with Disabilities Act of 1990 (Public
6 Law 101-336) shall also constitute a violation of this section." Plaintiff accordingly incorporates
7 the entirety of his above cause of action for violation of the Americans with Disabilities Act at
8 §33, *et seq.*, as if repled herein.

9 67. As a further legal result of the actions and failure to act of defendants, and as a
10 legal result of the failure to provide proper handicapped-accessible public facilities as set forth
11 herein, plaintiff was denied his civil rights to full and equal access to public facilities. Plaintiff
12 CRAIG YATES suffered a loss of his civil rights and his rights as a person with physical
13 disabilities to full and equal access to public facilities.

14 68. Further, plaintiff CRAIG YATES suffered mental distress, mental
15 suffering, mental anguish, which includes shame, humiliation, embarrassment, frustration, anger,
16 disappointment and worry, all of which are expectedly and naturally associated with a denial of
17 access to a person with physical disabilities, all to plaintiff's damages as hereinafter stated.
18 Defendants' actions and omissions to act constituted discrimination against plaintiff on the sole
19 basis that plaintiff is a person or an entity that represents persons with physical disabilities and
20 unable, because of the architectural barriers created and maintained by the defendants in violation
21 of the subject laws, to use the public facilities hereinabove described on a full and equal basis as
22 other persons.

23 69. Plaintiff CRAIG YATES is entitled to the rights and remedies of §52(a)
24 of the Civil Code, including trebling of actual damages (defined by §52(h) of the Civil Code to
25 mean "special and general damages"), as well as to reasonable attorneys' fees and costs, as is
26 allowed by statute, according to proof if deemed to be the prevailing party.

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PRAYER:

Plaintiff prays that this court award damages and provide relief as follows:

I. PRAYER FOR FIRST CAUSE OF ACTION FOR DENIAL OF ACCESS BY A PUBLIC ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (42 U.S.C. §12101, *et seq.*)

(On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
(42 U.S.C. §12101, *et seq.*)

1. For injunctive relief, compelling defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive, to make the CHILE LINDO, located at 2944 16TH Street, San Francisco, California, readily accessible to and usable by individuals with disabilities, per 42 U.S.C §12181, *et seq.*, and to make reasonable modifications in policies, practice, eligibility criteria and procedures so as to afford full access to the goods, services, facilities, privileges, advantages and accommodations being offered.

2. For attorneys' fees, litigation expenses and costs of suit, if plaintiff is deemed the prevailing party; and

3. For such other and further relief as the court may deem proper.

II. PRAYER FOR SECOND CAUSE OF ACTION FOR DENIAL OF FULL AND EQUAL ACCESS IN VIOLATION OF CALIFORNIA CIVIL CODE §§54, 54.1 AND 54.3, *ET SEQ.*

(On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
(California Civil Code §§54, 54.1, 54.3, *et seq.*)

1. For injunctive relief, compelling defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive, to make the CHILE LINDO, located at 2944 16TH Street, San Francisco, California, readily accessible to and usable by individuals with disabilities, per state law.

2. Statutory damages as afforded by Civil Code §54.3 for the date of incident and for each occasion on which plaintiff was deterred from returning to the subject public accommodation.

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3. Attorneys' fees pursuant to Civil Code §54.3 and Code of Civil Procedure §1021.5,
if plaintiffs are deemed the prevailing party;

4. Treble damages pursuant to Civil Code §54.3;

5. General damages according to proof;

6. For all costs of suit;

7. Prejudgment interest pursuant to Civil Code §3291; and

8. Such other and further relief as the court may deem just and proper.

**III. PRAYER FOR THIRD CAUSE OF ACTION FOR DENIAL OF ACCESSIBLE
SANITARY FACILITIES IN VIOLATION OF HEALTH & SAFETY CODE
§19955, ET. SEQ.**

(On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
(Health & Safety code §19955, *et seq.*)

1. For injunctive relief, compelling defendants DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive, to make the CHILE LINDO, located at 2944 16TH Street, San Francisco, California, readily accessible to and usable by individuals with disabilities, per state law.

2. For attorneys' fees pursuant to Code of Civil Procedure §1021.5, and/or, alternatively, Health & Safety Code §19953, if plaintiff is deemed the prevailing party;

3. For all costs of suit;

4. For prejudgment interest pursuant to Civil Code §3291;

5. Such other and further relief as the court may deem just and proper.

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IV. PRAYER FOR FOURTH CAUSE OF ACTION FOR DENIAL OF ACCESS TO FULL AND EQUAL ACCOMMODATIONS, ADVANTAGES, FACILITIES, PRIVILEGES AND/OR SERVICES IN VIOLATION OF CALIFORNIA CIVIL CODE §51, *ET SEQ.* (THE UNRUH CIVIL RIGHTS ACT)

(On Behalf of Plaintiff CRAIG YATES, an individual and Against Defendants CHILE LINDO, a.k.a. DAVID L. LUCCHESI and SANDRA L. LUCCHESI, Trustees of THE LUCCHESI FAMILY TRUST dated April 20, 2004, inclusive)
(California Civil Code §§51, 51.5, *et seq.*)

1. All statutory damages as afforded by Civil Code §52(a) for the date of incident and for each occasion on which plaintiff was deterred from returning to the subject public accommodation;

2. Attorneys' fees pursuant to Civil Code §52(a), if plaintiff is deemed the prevailing party;

3. General damages according to proof;

4. Treble damages pursuant to Civil Code §52(a);

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5. For all costs of suit;
6. Prejudgment interest pursuant to Civil Code §3291; and
7. Such other and further relief as the court may deem just and proper.

Dated: 7/14/10, 2010

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

By: 

THOMAS E. FRANKOVICH
Attorneys for Plaintiff CRAIG YATES, an individual

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all claims for which a jury is permitted.

Dated: 7/14/10, 2010

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

By: 

THOMAS E. FRANKOVICH
Attorneys for Plaintiff CRAIG YATES, an individual

EXHIBIT A

Craig Thomas Yates
1004 Los Gatos Road, Unit E
San Rafael, CA 94903

March 16, 2010

Manager of Chile Lindo
2944 16th Street
San Francisco, CA 94103

Dear Manager of Cile Lindo:

Recently, I visited Chile Lindo. There is good thing's there and bad thing's. Good thing's... the food was quite good and reasonably priced. Bad thing, I use a wheelchair and you have a step to get in. So, me and other people in chairs have to order from the sidewalk. That's not good.

But, you can fix this by getting a folding portable ramp, probably 6'. To know the size call Prairie View Industries at 1-800-554-7267. I think you can get a ramp for under \$250. You will also need a buzzer and sign "Press Buzzer for Ramp Assistance" or something like that, probably should have one for your employees.

Or, you can think about some kind of a curb cut into the restaurant.

I thought the landlord and the tenant should know about this. That's why I wrote this identical letter to both of you. It's like letting the right hand know what the left hand is doing! If you both put your hands and heads together, I know the two of you can fix the problem.

Remember, wheelchair users have an old saying: "Access delayed is Access denied." You understand, right? Anyway, please write me when you get this letter and make me a promise that you will take care of this right away. Give me a date. Thanks!

Sincerely,


Craig Yates

Craig Thomas Yates
1004 Los Gamos Road, Unit E
San Rafael, CA 94903

March 16, 2010

Owner of the Building for Chile Lindo
2944 16th Street
San Francisco, CA 94103

Dear Owner of Building for Chile Lindo:

Recently, I visited Chile Lindo. There is good thing's there and bad thing's. Good thing's... the food was quite good and reasonably priced. Bad thing, I use a wheelchair and you have a step to get in. So, me and other people in chairs have to order from the sidewalk. That's not good.

But, you can fix this by getting a folding portable ramp, probably 6'. To know the size call Prairie View Industries at 1-800-554-7267. I think you can get a ramp for under \$250. You will also need a buzzer and sign "Press Buzzer for Ramp Assistance" or something like that, probably should have one for your employees.

Or, you can think about some kind of a curb cut into the restaurant.

I thought the landlord and the tenant should know about this. That's why I wrote this identical letter to both of you. It's like letting the right hand know what the left hand is doing! If you both put your hands and heads together, I know the two of you can fix the problem.

Remember, wheelchair users have an old saying: "Access delayed is Access denied." You understand, right? Anyway, please write me when you get this letter and make me a promise that you will take care of this right away. Give me a date. Thanks!

Sincerely,



Craig Yates